

## Show Cause Proceedings

When a person is believed to be in violation of a court order, that individual may become involved in a formal hearing known as a contempt of court or “show cause” proceeding. Because of the seriousness of the hearing, this brochure is designed to provide you with information about show cause proceedings. **This brochure is not a substitute for legal advice.**

You have the right to have your lawyer represent you at a show cause hearing, but a lawyer is not required. If the judge is going to consider putting you in jail, the judge must advise you that you are entitled to an attorney. If the judge determines that you cannot afford an attorney, the judge will appoint one.

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A show cause proceeding begins when someone files a motion (a legal document) with the circuit court clerk. The motion states that a court order has been violated. Claimed violations might include:

- Failure to pay child support.
- Failure to pay spousal support.
- Failure to pay child care expenses.
- Failure to pay health care expenses.
- Failure to pay court ordered costs.
- Failure to pay attorney fees.
- Interference with a custody or parenting time (visitation) order.
- Failure to provide required information.

The motion and a proposed order are presented to the court. If the court is satisfied the motion indicates a possible violation of a court order, the

proposed order will be mailed to the person allegedly violating the order. This is known as an **order to show cause**.

The show cause order will tell the alleged violator to come to court on a specific date to tell the court why the individual should **not** be found in contempt for having failed to obey an order of the court.

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Hearings may be held before a judge or a referee. A referee is a person the court appoints to conduct hearings. A referee recommends an order for the judge to sign. Unless objected to, the judge normally will sign the recommended order as an order of the court.

If you appear for a show cause hearing before a referee and disagree with the decision of the referee, you may object file a written objection within 21 days and request a new hearing before the court. Michigan Court Rule 3.215 provides information on how to object to a referee’s recommended order. Some courts’ local procedures provide additional ways to file objections.

If you wish to object to a referee’s recommended order, you should discuss the matter with your attorney, or you may ask the friend of the court. Friend of the court employees cannot provide you with legal advice, but they can tell you about any local procedures for objecting to a referee’s recommended order.

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If you are the person being required to “show

cause,” you must appear before the referee or judge on the date stated in the order. At that time, be prepared to tell the referee or judge how you followed, or why you were unable to follow, the court’s order. You should have papers, paid receipts, canceled checks, or other documents which will prove you complied with the order. Because of the seriousness of the proceeding, you may wish to have an attorney with you. If you fail to appear for a show cause hearing, the court may issue a bench warrant for your arrest. The court may also order that your name be submitted to the consumer reporting agency; suspend your driver’s license, occupational license, or sporting licenses; and place a lien against your property.

If you prove that you followed the order, the show cause proceeding will be dismissed. If you cannot show the judge or referee you followed the court order, the referee may recommend, and the judge may find, that you are **in contempt of court**. When this occurs the judge’s order may provide for one or more of the following:

- Grant you time to obey the order.
- Require you to pay a specific amount of money by a certain date.
- Require you to turn over documents.
- Suspend your driver’s, occupational, recreational, or sporting licenses.
- Require you to participate in a work activity.
- Order you to participate in a community corrections program if there is one available in your area.
- Order that you go to jail or a correctional facility for a specified time.

If you are found in contempt for denying parenting

time the referee or judge could:

- Require you to allow makeup parenting time.
- Modify the parenting time order.
- Suspending your driver's, occupational, recreational, or sporting, licenses.
- Order a fine of not more than \$100.00.
- If the judge or referee finds that you have acted in bad faith, you may have to pay sanctions in the amount of \$250.00 the first time, \$500.00 the second time, and \$1000.00 the third time.

If you are the parent who is subject to the show cause hearing for non payment of child support or for denying parenting time you can submit a request for the order to be modified within 21 days from the time you are served with the notice to appear.

A judge has the added authority to order you to be put in jail and to make you stay in jail until you obey the court's order.

A show cause proceeding is serious. It is an important tool for the judge to make sure orders are obeyed.

### **Helpful Hints to Avoid A Show Cause Proceeding**

**If a court orders you to do something, do it!** If you do not believe the order is fair, you may file a motion to change the order or appeal the judge's decision to a higher court. If you are challenging an order, obey it until the court changes the

order or until an appellate court overturns the order.

**Keep accurate records.** If the court order requires you to pay something, use checks, money orders or other means which will provide you with a written record of all payments. If you pay by cash, make the payment only to the friend of the court office. Obtain a receipt from the friend of the court cashier.

**Document disputes.** If a custody or parenting time (visitation) dispute occurs, keep accurate written records showing what happened.

**Work it out.** If you are the person who wants to bring a show cause motion, try to work out your differences with the other party directly. Use the mediation services of the friend of the court office or use a private mediator. Using these approaches saves time and money.

**Do not cut corners.** Obey the court order exactly. Choosing to only obey part of an order may seem right for any number of reasons, including that the parties agree to something other than ordered. However, failing to obey even part of an order could have unintended consequences. Even if you and the other party agree, you must change your order or risk being held in contempt of court.

Michigan Supreme Court  
State Court Administrative Office  
Friend of the Court Bureau  
<http://www.courts.michigan.gov>

### **Show Cause Proceedings In Domestic Relations Cases**



### **A Practical Guide To An Important Legal Proceeding**

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